CRIMINAL LAW—SUFFICIENCY OF INDICTMENT CHARGING BURGLARY OF "GARAGE" WITHOUT FURTHER DEFINING IT.—An indictment for burglary, charging that the defendant broke into a named person's private garage, without further defining the word "garage" or affirming same to be a building, which indictment conformed in every particular to the statute under which drawn, was objected to on the ground that the crime was charged with insufficient certainty. *Held*, indictment sufficient. *Taylor et al.* v. *State* (Ind.), 132 N. E. 294 (1921).

When real property is the subject of an offense charged, the premises must be described with sufficient particularity to identify it, and to show the character, ownership, or occupancy of the premises to be such as could be the subject of the offense whether at common law or under statute. *State* v. *Atkinson*, 88 Wis. 1, 58 N. W. 1034 (1894); *Thomas* v. *State*, 97 Ala. 3, 12 So. 409 (1893); *Com.* v. *Brown*, 15 Gray (Mass.) 189 (1860); *People* v. *Warner*, 25 Cal. App. 751, 145 Pac. 545 (1914). In an indictment for burglary of a chicken house it has been held to be sufficiently described though not alleging that the house was specially for the keeping of such goods of value according to the terms of the statute, such being implied by the descriptive words. *Lucas* v. *State*, 144 Ala. 63, 39 So. 821, 3 L. R. A. (N. S.) 412 (1905). Where the statute used the word "shop" and the indictment alleged the entry of a "store" the description was deemed sufficient. *State* v. *Moore*, 38 La. Ann. 66 (1886). Again it was held that an indictment under statute for breaking and entering a "place of business" need not expressly denominate it as such if the description shows it to be of such a nature. *Jones* v. *State*, 12 Ga. App. 813, 78 S. E. 474 (1913). A descriptive word certain in its meaning by common acceptation is sufficient, as where the word "house" was used instead of the usual "dwelling house" in an indictment for burglary. *Thompson* v. *People*, 3 Park. Crim. (N. Y.) 208 (1856).

WEBSTER defines a "garage" as a *place for housing automobiles.* The STANDARD DICTIONARY says a garage is a *building for the storage of automobile vehicles.*

See VA. CODE, 1919, §§ 4437-4439; by the words "or other house" contained therein, the indictment would seem to be alleged with sufficient certainty to bring the case within the statute, invoking the doctrine of *ejusdem generis.*

INJUNCTIONS—PICKETING.—Plaintiff lowered the wages of its employees and refused to recognize organized labor as such for the purpose of discussing a raise in wages. As a result of this the defendant Union issued a strike order against the plaintiff. Members of the defendant Union were placed as pickets in groups of from 4 to 12 men in the street through which the employees of the plant, against which the strike was declared, had to pass to and from work. Much disorder resulted and several of the employees were assaulted and injured by the pickets. Plaintiff filed a bill to enjoin defendants from carrying on a conspiracy to prevent plaintiff from retaining and obtaining skilled laborers to operate their plant, by picketing accompanied by threats, intimidation

and violence toward persons employed by plaintiff. *Held*, (1) While the first part of § 20 of the Clayton Act forbids an injunction to prevent peaceful persuasion by employees discharged or expectant in promotion of their side of the dispute it is merely declaratory of the common law, and all attempts at persuasion or communication which lead to intimidation and obstruction are not included within this section of the Clayton Act and will be restrained; (2) In order to prevent intimidation and violence defendants shall be entitled only to one representative for each point of ingress and egress in the plant for the purpose or observation, communication or persuasion, provided they be not abusive, libelous or threatening; and such representatives shall approach individuals singly and not together, "and shall not in their single efforts at communication or persuasion obstruct an unwilling listener by importunate following or dogging his steps." *American Steel Foundaries* v. *Tri-City Central Trades Council*, 42 Sup. Ct. Rep. 72 (1921).

The effect of the decision in this case, though the court carefully avoided using the words, is that it upholds the right of "Peaceful Picketing" in certain cases; that is, persuasion and communication may be used by the strikers, so long as such persuasion and communication do not amount to violence, intimidation and obstruction of the employer's business. But it must be clearly understood, as was pointed out by the court, that this decision applies only to the facts in the instant case and cannot be laid down as a rigid rule.

For a general discussion of the different views taken by the courts on this subject see 7 VA. LAW REV. 462.

INTOXICATING LIQUORS—WARRANTS OF SEARCH AND SEIZURE—LIQUORS CANNOT BE SEIZED WITHOUT WARRANT AND WHEN UNLAWFULLY SEIZED MUST BE RETURNED TO OWNER.—A person was seen by prohibition agents leaving the house of the petitioner. Upon searching and questioning him they were informed that the petitioner had sold him some liquor. Without obtaining a warrant for the search of a private dwelling as required by the National Prohibition Act, the agents entered the petitioner's house and seized the liquors found therein. There was nothing to indicate when the liquors were acquired. In a criminal prosecution a petition was made for the return of the liquors. *Held*, petition granted. *Connelly* v. *United States*, 275 Fed. 509 (1921).

The Fourth Amendment to the Federal Constitution was not the first move to crystallize those principles which secure individual rights against unreasonable searches and seizures. *Entick* v. *Carrington*, 19 Howell's State Trials, 1029 (1765); *Bill of Rights of Virginia*, § 10. See also *Boyd* v. *United States*, 116 U. S. 616 (1886). And it is to be observed that no power exists at common law to make a search and seizure without a warrant. *People* v. *Halveksz* (Mich.), 183 N. W. 752 (1921); *In re Swan*, 150 U. S. 637, 14 Sup. Ct. 225, 37 L. Ed. 1207 (1893). Except for the character of the documents seized, the law in cases of unlawful searches is now well settled. *Weeks* v. *United States*, 232 U. S. 383, L. R. A. 1915B, 834, Ann. Cas. 1915C, 1177 (1914); *Silverthorne Lumber Co.* v. *United States*, 251 U. S. 385 (1920).